

**UNITED STATES BANKRUPTCY COURT**  
Eastern District of California

**Honorable Ronald H. Sargis**  
Bankruptcy Judge  
Sacramento, California

**April 27, 2023 at 11:30 a.m.**

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**FINAL RULINGS**

1. <a href="#"><u>22-21864</u></a> -E-11 <a href="#"><u>CAE</u></a> -1  1 thru 2	<b>DAVID FOYIL</b>	<b>CONTINUED STATUS CONFERENCE RE: VOLUNTARY PETITION 7-28-22 [<a href="#">1</a>]</b>
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**Final Ruling: No appearance at the April 27, 2023 Status Conference is required.**  
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Debtor's Atty: David Foyil

Notes:

Continued from 2/22/23. Specially set to be heard in conjunction with the hearing on Debtor in Possession's Disclosure Statement.

[DEF-1] Order dismissing without prejudice Motion to Value Collateral of U.S. Department of the Treasury, Interval Revenue Service filed 3/27/23 [Dckt 92]

[DEF-2] Order dismissing Motion to Value Collateral of California Franchise Tax Board filed 3/27/23 [Dckt 93]

[KMM-1] Motion by Secured Creditor, Nissan Motor Acceptance Corporation for Relief from Automatic Stay filed 3/20/23 [Dckt 94], set for hearing 5/11/23 at 10:00 a.m.

[CAE-1] Status Report filed 3/31/23 [Dckt 100]

**The Status Conference is continued to 11:30 a.m. on June 8, 2023, to be conducted in conjunction with the Hearing on the First Amended Disclosure Statement.**

**APRIL 27, 2023 STATUS CONFERENCE**

The Debtor in Possession filed a proposed Amended Disclosure Statement and Amended Chapter 11 Plan on April 20, 2023. Dckt. 113, 114. The hearing on the Amended Disclosure Statement is set for 11:30 a.m. on June 8, 2023. A review of the Docket in this Case does not reveal any matters which would likely be an issue to address at the April 27, 2023 Status Conference.

The Status Conference is continued to 11:30 a.m. on June 8, 2023.

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Status Conference having been set to be conducted in conjunction with the hearing on the proposed Disclosure Statement in this Case on April 27, 2023; the Debtor in Possession filing a proposed Amended Disclosure Statement and Amended Chapter 11 Plan on April 20, 2023; the hearing on the Amended Disclosure Statement having been set for 11:30 a.m. on June 8, 2023; and good cause appearing,

**IT IS ORDERED** that the Chapter 11 Status Conference is continued to **11:30 a.m. on June 8, 2023.**

2. [22-21864-E-11](#)      **DAVID FOYIL**  
[DEF-3](#)

**APPROVAL OF DISCLOSURE  
STATEMENT**  
2-22-23 [\[80\]](#)

**Final Ruling:** No appearance at the April 27, 2023 hearing is required.

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**The hearing to Approve the original Disclosure Statement, Dckt. is concluded and removed from the Calendar, the request for approval having been withdrawn and an Amended Disclosure Statement having been filed and set for hearing on June 8, 2023.**

David Eugene Foyil (“Debtor in Possession”) filed a Notice of Withdrawal of his Disclosure Statement previously filed on February 22, 2023. Ntc. of Withdrawal; Dckt. 102. The Debtor in Possession has not filed an Amended Disclosure Statement and Amended Chapter 11 Plan, with the hearing for approval of the Amended Disclosure Statement set for 11:30 a.m. on June 8, 2023. Ntc of Hrg.; Dckt. 115.

The court construes to the Notice of Withdrawal to be a dismissal of the original Disclosure Statement and Chapter 11 Plan.

The Debtor in Possession having dismissed the original Disclosure Statement and Chapter 11 Plan; Dckts. 80, 81; and having now proposed an Amended Plan, the hearing for Approval of the Disclosure Statement filed on February 22, 2023 (Dckt. 80) is removed from the Calendar.

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The hearing to Approve Disclosure Statement filed by David Foyil (“Debtor in Possession”) on February 22, 2023 (Dckt. 80) having been rendered moot by the Debtor in Possession having filed an Amended Disclosure Statement and Amended Chapter 13 Plan, and good cause appearing;

**IT IS ORDERED** that the hearing to Approve the Disclosure Statement filed on February 22, 2023, (Dckt. 80) is concluded, that Disclosure Statement not approved, and the hearing removed from the Calendar.

The court removing the hearing on the original proposed Disclosure Statement (Dckt. 80) is without prejudice to the Debtor in Possession seeking approval of the Amended Disclosure Statement at the 11:30 a.m. hearing on June 8, 2023 (or possible further amended disclosure statements at future dates).